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Protection of and assistance to internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, in accordance with Economic and Social Council resolution 2004/263 and Commission on Human Rights resolution 2005/46.

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Report of the Representative of the Secretary-General on the human rights of internally displaced persons

Summary

Approaching the conclusion of the second year of his mandate, the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, reflects upon a period that has seen progress on many fronts. The Heads of State and Government at the 2005 World Summit unanimously recognized the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons (IDPs). Similar progress has been made at the regional level, as a number of regional organizations have begun to address internal displacement in their activities and legal instruments. Within the United Nations, progress has been made in the mainstreaming of human rights, particularly in the context of humanitarian reform measures and in the adoption by the Inter-Agency Standing Committee of the Operational Guidelines on Human Rights and Natural Disasters. Working with national Governments, regional organizations and United Nations agencies and country teams, the Representative has sought to be either a catalyst or a support for these and other efforts.

The Secretary-General's recent review of the Representative's mandate concluded that the mandate had proved useful for mainstreaming, advocacy and dialogue on the challenges posed by internal displacement. The Secretary-General further found that the mandate complemented the operational capacities of United Nations agencies and civil society, adding value to a common international approach, but concluded that the standard servicing of the resources available had not been sufficient to support the full range of activities envisaged by the Representative, particularly with regard to mainstreaming.

This report discusses the work that the Representative has undertaken pursuant to his mandate to engage in dialogue with Governments, mainstream the human rights of IDPs into all parts of the United Nations system and promote the dissemination, recognition and use of the Guiding Principles. It presents the Representative's principal recommendations from recent missions and working visits. It further presents the results of his cooperation with regional organizations and United Nations partners. Finally, it presents a number of capacity-building projects undertaken by the Representative, including an annual course and a manual for legislators on national implementation of the Guiding Principles, and several studies related to IDPs and peace processes.

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I. Introduction

1. As requested by resolutions 2005/46 and 2004/55 of the Commission on Human Rights and endorsed by Economic and Social Council resolution 2004/263, the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, welcomes this opportunity to report to the General Assembly on the work he has undertaken since reporting to the Assembly in August 2005 (A/60/338 and Corr.1) and to the Commission in January 2006 (E/CN.4/2006/71 and Add.1-7). The Representative's mandate directs him to (a) engage in dialogue with Governments, (b) mainstream the human rights of internally displaced persons (IDPs) into all parts of the United Nations system, and (c) promote the dissemination, recognition and use of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), particularly at the national and regional levels. All of his efforts have the ultimate aim of improving the protection of and respect for the human rights of IDPs.

2. As he approaches the end of the second year of his mandate, the Representative reflects upon a period that has seen progress on many fronts. On the matter of the normative framework for the protection of the human rights of IDPs, an important step was taken by the Heads of State and Government at the 2005 World Summit, when they unanimously recognized the Guiding Principles on Internal Displacement as "an important international framework for the protection of internally displaced persons" and furthermore resolved "to take effective measures to increase the protection of internally displaced persons".[1] Similar progress has been made at the regional level, as a number of regional organizations have begun to address internal displacement in their programme activities and legal instruments, including resolutions and protocols. Within the United Nations, progress has been made in the mainstreaming of human rights, particularly in the context of humanitarian reform measures and in the adoption by the Inter-Agency Standing Committee (IASC) of the Operational Guidelines on Human Rights and Natural Disasters. Working with national Governments, regional organizations and United Nations agencies and country teams, the Representative has sought to be either a catalyst or a support for these and other efforts. His specific activities during the reporting period are discussed below.

II. Secretary-General's review of the mechanism

3. At the same time that it requested the establishment of the new mechanism, the Commission on Human Rights requested the Secretary-General to review its performance and effectiveness two years from its inception and to report back to the Commission at its sixty-second session.[2] The Secretary-General appointed his Representative on the human rights of internally displaced persons in September 2004. In March 2006, after obtaining the views of the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and the

[1] General Assembly resolution 60/1, para. 132. This wording was confirmed in resolution 60/168, para. 8.

[2] Commission resolution 2004/55, para. 27.

Representative himself, the Secretary-General issued his report, concluding that "the new mechanism has performed well, adding value to the existing structures and being effective in enhancing the protection of human rights of internally displaced persons" (E/CN.4/2006/69, para. 1).

4. Feedback from the major agencies within the United Nations addressing issues of internal displacement was consistent in concluding that the new mechanism had been valuable and effective in enhancing the human rights of IDPs. UNHCR stated that the mandate offered practical advice to Governments confronted with the challenge of internal displacement, and that the diplomatic, advice-oriented approach taken by the incumbent contributed to the mandate's high level of acceptance. UNHCR further stated that the new mandate provided an important opportunity for independent assessment of the international response to major internally displaced person crises, as well as recommendations for improvement. The Office for the Coordination of Humanitarian Affairs similarly stressed the value of the Representative's focused engagement with Governments, such as his development of a framework for national responsibility (see E/CN.4/2006/71/Add.1). The United Nations Children's Fund (UNICEF) reported that the Representative's missions were useful in the agency's advocacy with Governments and provided opportunities for solution-oriented discussions among the United Nations country teams. OHCHR particularly appreciated the Representative's effective advocacy for inclusion of a comprehensive human rights-based approach to the humanitarian reforms under way within the United Nations.

5. With this input, the Secretary-General concluded that the mechanism had been adept in fulfilling a multifaceted mandate requiring mainstreaming, advocacy and dialogue on the challenges posed by internal displacement. He found that the mandate complemented the operational capacities of United Nations agencies and civil society, adding value to a common international approach. However, he observed that the standard servicing resources available to OHCHR for special procedures mandates had not been sufficient to support the full range of activities envisaged by the Representative, especially in respect of his mainstreaming mandate. Accordingly, the report concluded that the mechanism should be strengthened with the provision of additional support.

III. Dialogue with Governments

6. Because the primary responsibility to protect and assist IDPs lies with each State, the Representative places great importance on supporting the efforts of Governments to develop their capacities to meet these responsibilities. Accordingly, he has sought to develop an array of measures allowing him to engage directly with as many Governments as possible, in light of resource constraints, and to do so flexibly and responsively to the needs of the countries concerned. Official missions allow for sustained engagement with a Government after a visit to the country, which involves fact-finding and consultation with a wide array of actors. Shorter working visits, usually of three or four days' duration, may be appropriate when the Representative is conducting a follow-up visit to a prior mission by either his predecessor or himself, or is otherwise participating in a seminar or workshop in the country. Such working visits can foster constructive relationships and help with capacity-building. Although they do not result in an official mission report, these working visits support continued engagement with the Government and United

Nations country teams, and it has been the Representative's practice to follow his visits with a letter detailing his conclusions and recommendations for further action. Where an official or working visit is either not warranted or not possible, the Representative has communicated concerns or recommendations regarding specific situations of internal displacement via letter.

7. The Representative has included formal mission reports with his annual report to the Commission on Human Rights and will continue this practice with the Human Rights Council. Together with his report to the Commission at its sixty-second session, the Representative submitted as addenda reports on missions to Nepal, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo), the Sudan and Georgia. Similarly, the report to the Commission at its sixty-second session discussed working visits to Sri Lanka, Thailand and Turkey. In the present report, the Representative presents his overall conclusions and main recommendations stemming from the three official missions and three working visits that he has undertaken since December 2005.

A. Mission to Georgia

8. At the invitation of the Government, the Representative conducted an official mission in Georgia from 21 to 24 December 2005. He met with relevant government ministers, local authorities and representatives of the de facto authorities of Abkhazia in Sokhumi and of the Tskhinvali region/South Ossetia in Tskhinvali. He also consulted IDPs in collective centres and areas of return. The Representative submitted a report detailing his conclusions and recommendations from the mission to the Commission on Human Rights (E/CN.4/2006/71/Add.7).

9. The Representative observed with concern that the return of IDPs who had fled Abkhazia in the early 1990s was hampered by the lack of political solutions to the conflict, by discriminatory measures against ethnic minorities and by widespread insecurity in Gali district and other areas of return. The lack of infrastructure and basic services in return areas also prevented the reintegration of IDPs to their places of former residence. The Representative therefore urged all parties to the conflict to comply with their obligations under previously signed agreements. Recalling the 1994 Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons, he called on the parties to cooperate in the facilitation of return movements and the creation of conditions conducive to the voluntary, safe and dignified return of displaced persons to their permanent places of residence. The Representative urged the de facto authorities in Abkhazia to refrain from adopting measures incompatible with the right of return and with international human rights standards, such as discriminatory legislation regarding the acquisition of "citizenship". He also urged them to admit United Nations civilian police without further delay and to cooperate in the establishment of a permanent international human rights office in Gali, as repeatedly urged by the Security Council.[5] The Representative further encouraged the Georgian authorities to adopt property restitution legislation consistent with international standards.

10. The Representative was gravely concerned about the economic and social marginalization and appalling living conditions of the IDPs, many of whom had

[5] Resolutions 1615 (2005), 1582 (2005), 1554 (2004), 1524 (2004) and 1494 (2003).

been accommodated in temporary collective shelters for many years. Their abject condition was due in part to the previous Government's policy of promoting return exclusively, while impeding local integration. He welcomed assurances by Georgian authorities that they intended to facilitate the economic and social integration of the displaced into local communities while they awaited conditions conducive to return. Stressing that efforts that allow the displaced to live a normal life and the right to return voluntarily to their former homes in safety and dignity are not mutually exclusive, the Representative encouraged the Government of Georgia to expedite the establishment and implementation of a new national strategy based on this approach. He urged the Government to ensure that (a) this policy would support the social integration of the displaced and their acquisition of adequate living conditions; (b) humanitarian assistance was continued for particularly vulnerable groups, such as the elderly, the traumatized, people with disabilities and female-headed households, who were particularly affected; and (c) durable solutions were found for those who could not live on their own. He appealed to the international community, including donors, to assist the Government in designing a comprehensive, rights-based IDP policy and to support its swift and effective implementation.

11. The Representative welcomes the fact that, following his mission, the Government, by resolution 80 of 23 February 2006, established a government commission under the chairmanship of the Minister of Refugees and Accommodation, tasked with developing a new national strategy on internal displacement, and that steps are being taken to consult with civil society and IDPs. At the same time, the Representative remains concerned about continuing threats to IDPs' and returnees' rights in Abkhazia and fears that increasing tensions in the region may lead to new violence and ensuing displacement.

B. Mission to Côte d'Ivoire

12. Upon the invitation of the Government, the Representative undertook a mission to Côte d'Ivoire from 17 to 24 April 2006. In addition to Abidjan, the Representative visited Yamoussoukro, Guiglo, Daloa, San Pedro, Tabou and Bouaké. He met with President Gbagbo and other governmental authorities, including the Minister for National Reconciliation and Relations with Institutions, the Minister for Foreign Affairs, the Minister for Solidarity and War Victims and the Minister for Reconstruction and Reintegration.

13. The Representative concluded that Côte d'Ivoire, while not confronted with a humanitarian crisis, was facing a crisis in the protection of the human rights of the internally displaced. The Representative appreciated that the Government shared his concern, but noted, nevertheless, that the crisis stemmed from an inadequate response to the needs of IDPs by the authorities and, to some extent, by the international community. Moreover, advocacy on the part of IDPs was impeded by a lack of knowledge about their rights.

14. The armed conflict affecting the country since 2002 has been the main cause of displacement. In addition, general feelings of insecurity, fear of reprisals, the dismantling of the public administration and the destruction of public infrastructure in the zones under the control of the Forces Nouvelles have led to displacement, as have economic consequences of the conflict. The Representative was particularly

concerned that conflicts over land in rural areas, particularly in the west and the south, continued to cause significant displacement. These conflicts seem to trap the population in cycles of displacement, in which each community is forced to flee, one after another.

15. Based on the information he received, the Representative estimated that the number of IDPs ranged between 500,000 and 1 million people, only a limited number of whom live in camps. The overwhelming majority — about 98 per cent — live with host families, demonstrating the spirit of solidarity of the Ivorian people. However, this integration also makes it more difficult for authorities to identify the IDPs and to provide them with needed assistance.

16. The Representative was greatly concerned at the state of destitution in which many displaced persons lived. According to the information received during the mission, most of the difficulties faced by IDPs were related to the enjoyment of economic and social rights, in particular the rights to food, to the highest attainable standard of health, to housing and to education. Without adequate public policies, the situation of IDPs is likely to worsen, in particular with regard to the impoverishment of their host families. Without documentation to prove their identity, IDPs face obstacles accessing social and educational services and are vulnerable to racketeering and corruption.

17. The Representative was concerned by persistent threats to the physical protection of IDPs, notably in the west and the south of Côte d'Ivoire. These displaced persons, who fled their places of origins primarily due to growing physical insecurity, continue to be victims of serious human rights violations committed by all parties to the conflict and other actors, often with total impunity. Cases of targeted assassinations, torture and sexual violence have been reported.

18. The Representative urges the Government to address immediately the problems faced by IDPs in Côte d'Ivoire and recommends, therefore, that the Government draft a comprehensive strategy and detailed plan of action in cooperation with the international community. He further recommends that the Government establish a coordination mechanism to serve as focal point for the international community. The identification of displaced persons and their needs should proceed as soon as possible in order to support the development of responsive policies. In the context of the electoral process, the Representative recommends that necessary measures be taken to ensure the full participation of IDPs without discrimination. Measures should also be taken to facilitate the return of those who wish to do so, in security and dignity. To the Forces Nouvelles, the Representative recommends measures to create an environment allowing the return of IDPs in the zones under its control, in particular restitution of property. Finally, the Representative recommends that the international community enhance coordination among humanitarian actors and assist the Government in formulating and implementing the recommended policy and plan of action.

C. Mission to Colombia

19. Pursuant to the standing invitation issued by the Government of Colombia to all special procedures of the Commission on Human Rights in March 2003, the Representative undertook a mission to the country from 14 to 27 June 2006. The Representative met with a wide range of governmental officials, including the

Minister and Deputy Minister of Defence, the Director for Human Rights and International Relations of the Ministry of the Interior and Justice, the High Counsellor of the Presidency for Migration, Social Policy and International Cooperation, the Procurador de la Nacion, the Defensor del Pueblo and members of the Constitutional Court and the National Commission for Reparation and Restitution. To develop a first-hand understanding of the conditions of the nearly 3 million IDPs in Colombia, the Representative travelled beyond Bogota to Apartado, Cali, Cartagena, Curvarado, San José de Apartado, San José del Guaviare, Santander del Quilichao, Soacha, Toribio, Tumaco, Valledupar and Villavicencio.

20. The Representative found that the causes of past and ongoing displacement were complex and included: lack of respect for civilians by the different armed actors, the multiplication of armed groups and an increase in violent actions associated with them; forced recruitment of children by armed groups, sexual and gender-based violence; land takeovers; and threats to and assassinations of community leaders. Other elements, such as the lack of advance warning in aerial fumigation, the mix of military and punitive measures used to eradicate illicit cultivations and the impact of aerial fumigations on food security, contributed to a general sense of insecurity and helplessness that, in turn, fuelled individual and mass displacement. The Representative noted a disproportionate effect on indigenous and Afro-Colombian communities while also observing an increase in inter- and intra-urban displacement, as a consequence of the regrouping of paramilitaries and the attempts of criminal groups to control poor urban areas.

21. The Representative found the legal and policy framework governing the protection of IDPs to be commendable, yet observed a clear gap in implementation at the regional and local levels. Concerning the existence of checks and balances in Colombia, the Representative was impressed by the quality and vibrancy of civil society, as well as by parts of the public sector, such as the Procuradoria, the Defensoria and the Constitutional Court, in particular decision T-025/04 concluding that the situation of internal displacement in Colombia amounts to an unconstitutional state of affairs. He also welcomed decisions by the Colombian Constitutional Court obliging authorities at all levels to take effective measures to fully implement laws and decrees protecting the fundamental rights of the displaced.

22. However, the Representative found that failure to successfully implement policy at the local level had profound consequences for the protection of the human rights of IDPs. For example, individual families often faced great difficulties in the process of registering with Acción Social for a variety of reasons. Registration also seemed to be a precondition for access to many programmes designed for IDPs (e.g., land restitution and compensation), although registration was not attractive for those who did not need the small humanitarian aid granted for an initial three months only. The Representative believes that the problems linked to registration must be addressed by the Colombian authorities, but technical assistance by the international community could be extremely useful. The Representative also recommended that greater attention be paid to the specific needs of particular groups of IDPs, including indigenous and Afro-Colombian communities, who may need more culturally sensitive forms of humanitarian assistance, and the elderly, who may have lost traditional familial or community support.

23. The Representative also concluded that the focus on short-term humanitarian assistance failed many IDPs in the long run. He recommends that both the

Government and the international community look beyond the prevailing humanitarian assistance and poverty alleviation programmes to supplement those admittedly necessary efforts with programmes also geared towards early recovery, self-sufficiency and development. For example, the greatest problem for most urban IDPs is a lack of adequate housing. One option would see municipalities set aside plots of land and equip them with basic infrastructure (drinking water and basic sanitation) so that IDPs could settle with secure tenancy after having received a one-time grant to support them in the building of their own homes. Similarly, a strong microcredit system and a system supporting IDP access to bank loans at affordable rates could have significant potential in supporting long-term solutions for IDPs.

24. The Representative did not yet foresee a comprehensive durable solution for the country's IDPs, since necessary conditions, such as security, were not in place. For the time being, he recommended the provision of aid to the communities and individuals wishing to return voluntarily, as well as help in the reconstruction of infrastructure, such as roads, electricity, water, health, education and sewerage. He also observed that land tenure and property issues would figure centrally in any durable solution. Some IDPs had traditional ownership but no formal titles for their land; others had been coerced into selling their land for prices far below market value; while still others were members of communities with collective forms of ownership. All of them faced tremendous challenges in recovering their houses and fields. The Representative was concerned that programmes established by the Government were neither sufficient nor well suited to solving these problems.

D. Follow-up working visit to Turkey

25. In February 2006, the Representative made a short return visit to Turkey, following his May 2005 visit, with the primary purpose of participating in a colloquium of governors and an informal multi-stakeholder meeting involving dialogue between government officials and civil society. In particular, the Representative addressed a conference on internal displacement in Ankara, organized by UNDP and the Government. The Representative spoke about the Guiding Principles on Internal Displacement and the role of civil society, while representatives from the Brookings-Bern Project on Internal Displacement, which the Representative co-directs, addressed the issues of national responsibility and property restitution. The Representative and staff of the Project also addressed the colloquium on internal displacement convened by the Ministry of the Interior for the governors of provinces affected by displacement. Subsequently, the Project provided a property specialist to assist the governmental Damage Assessment Commissions charged with implementing Turkey's Compensation Law and to advise civil society and IDPs on effective use of the law.

26. The Representative observed the progress made since his visit, both in terms of specific law and policy and, more generally, in the Government's open and constructive engagement on issues of internal displacement. The Representative stresses, however, it would be important to continue the progress made by the adoption by the Council of Ministers of an Integrated Strategy Document with the development of a plan of action — perhaps led by the Ministry of the Interior in consultation with other parts of Government, civil society and IDPs themselves — that would specify concrete, practical measures for implementing the Strategy Document's general framework. One of the Representative's practical recommendations

was to establish a dedicated office at the Ministry of the Interior devoted to the issue of internal displacement.

27. At the level of normative policy, the Representative urged that a plan of action build on the recognition of the principle of voluntariness that is enshrined in the Integrated Strategy Document. That is, IDPs must have a genuine choice between (a) integrating locally in the generally urban environments to which they have moved; (b) returning to their places of origin; or (c) resettling in another part of the country. For each of these choices to be meaningfully available, the plan of action must develop measures unique to each environment, supporting it as a potentially durable solution. For instance, IDPs can only exercise their right to freedom of movement and choice of residence if security is re-established in their places of origin.

28. The Representative also raised certain concerns regarding the application of the Compensation Law. The Representative observed that some IDPs had been so marginalized by their displacement that they might not have had access to information about the claims process and hence might have missed the filing deadline. In this regard, he recommended additional outreach, a public information campaign and further extension of the claims deadline. On the application of the law by the Damage Assessment Commissions, the Representative suggested that the equity and consistency of the Commission's decisions would benefit from further legislative guidance minimizing administrative discretion. Consistency and equity would also benefit from the establishment of a centralized administrative appeals procedure, allowing direct review of the Commission's decisions.

E. Working visit to Nigeria

29. In conjunction with the First Regional Conference on Internal Displacement in West Africa held in Abuja from 26 to 28 April 2006 (discussed in section IV.C below), the Representative took the opportunity to meet with representatives from governmental, civil society and international organizations to discuss the situation of IDPs in Nigeria and the Government's development of a national IDP policy. Subsequently, in a letter to President Olusegun Obasanjo, the Representative welcomed Nigeria's efforts to adopt a national IDP policy, particularly one that committed the Government to undertaking activities addressing the root causes of displacement, such as conflict prevention, reconciliation and peacebuilding. On the issue of durable solutions to displacement, the Representative indicated that support for land tenure reform and the funding of income-generating projects would be important. He also recommended reconsideration of the policy's use of an "exclusion clause", which would prevent certain categories of Nigerians from being recognized under the policy. The Representative noted that the concept of "exclusion" stemmed from refugee law, and was not appropriate in addressing the human rights of a country's own citizens. Finally, the Representative recognized the continued regional leadership of Nigeria in addressing issues of internal displacement and encouraged the President to continue that leadership by supporting initiatives by the Economic Community of West African States (ECOWAS) to strengthen the normative framework for the protection of IDPs in the region.

F. Working visit to Uganda

30. At the invitation of the Government, the Representative made a working visit to Uganda from 28 June to 4 July 2006, following an earlier mission by his predecessor, Francis Deng, in 2003. In order to better understand the conditions of the more than 1.5 million IDPs in Northern Uganda, the Representative first travelled to Gulu, Lira and Pader districts — areas which have seen some of the worst displacement since the conflict between the Government and the Lord's Resistance Army began. For the first two days, the Representative was accompanied by the Minister for State for Relief, Disaster Preparedness and Refugees and a commissioner of the Ugandan Human Rights Commission, as he consulted with traditional and religious leaders, representatives of local governments, Ugandan police and Uganda Peoples' Defense Force commanders, United Nations agencies and non-governmental organizations (NGOs) providing protection and humanitarian assistance. He also travelled to several IDP camps, where he met with camp leaders, including women leaders, and other residents. In Kampala, the Representative met with President Yoweri Kaguta Museveni, Prime Minister Apolo Nsibambi and Minister for Relief, Disaster Preparedness and Refugees Tarsis Kabwegyere.

31. Following his visit to northern Uganda, the Representative participated in the workshop on the implementation of Uganda's national policy for internally displaced persons, which he convened with the Brookings-Bern Project and in consultation with the United Nations country team. The Government hosted the workshop, which was organized to discuss the national policy on IDPs adopted in 2004, challenges to its implementation and how best to meet those challenges. Over 100 participants attended, including representatives of national and local government, the military and police, the Uganda Human Rights Commission, local and international NGOs, United Nations and other international agencies, donors and IDPs themselves. At least 40 participants came from the north of the country. The recommendations included better coordination between central and local Government; wider dissemination of the national policy; increased resources for implementation; and wider participation and representation of IDPs in carrying out the policy.

32. The Representative was encouraged by the relative improvement in security in the north in recent months that had allowed a number of IDPs to move closer to their fields or even to return to their homes in certain districts. Nonetheless, the Representative was concerned that serious humanitarian and human rights problems persisted in the IDP camps, where the vast majority of IDPs remained. Such problems included poor health and sanitation conditions; lack of access to schools and availability of teachers; and high levels of sexual and gender-based violence. While recognizing the role of the security forces in ensuring protection of civilians in northern Uganda, the Representative heard testimony of prevailing institutional impunity, also involving members of the Uganda People's Defense Force and local defence units who, at times, abused the rights of the very people they were charged to protect.

33. The Representative urged the Ugandan authorities, humanitarian agencies and donors to step up their efforts to assist the displaced and to protect their human rights. He concluded that there was a dire need to shift the responsibility to uphold law and order from Uganda People's Defense Force back to civilian authorities and to train and deploy sufficient numbers of civilian police in all parts of northern

Uganda. In many places, civilian law enforcement was largely absent and the courts were beyond reach, contributing to a prevailing sense of impunity and loss of faith in governmental institutions. Accordingly, to provide meaningful access to justice in the north, the Government must rebuild and strengthen a virtually non-existent judiciary. Local governments, which were largely charged with implementing the IDP policy, required the human resources and financial capacities to fulfil their obligations. In addition, to ensure that return is sustainable because decisions related to protection, assistance and remedial efforts are responsive to IDPs' needs, local Governments and traditional community leaders must be more fully consulted in the ongoing return process.

34. The Representative elaborated upon these observations and recommendations in a letter to President Museveni dated 28 July 2006. Addressing the substantive and procedural elements supporting sustainable return, the Representative noted that in addition to security, access to land would be a precondition to return. Challenges posed by the absence of written title had been compounded by the passage of time, which had erased traditional demarcations of land and seen the passing of elders with historical knowledge about land possession. Many IDPs and their leaders had spoken of the potential for disputes, raising the spectre of divisiveness and even violence within the community. Additionally, should large-scale return become possible, there would be new challenges in assuring that woman- and child-headed households had access to land. Concerned that the existing land tribunals would not be in a position to deal with a large number of cases in this eventuality, he recommended that new or reinforced mechanisms be created to address these issues and to adjudicate individual disputes.

G. Follow-up to the mission to Nepal

35. Following his mission to Nepal in April 2005, the Representative has maintained communication with the subsequent Governments of Nepal and the United Nations country team. He provided guidance on the drafting of an IDP policy, which remains under consideration. After the change in Government in May 2006, he wrote to the current multi-party transitional Government of Nepal elaborating his concerns for the return of IDPs. In particular, the Representative stressed that the Government must ensure that returning IDPs were guaranteed security and that they had access to properties left behind and basic infrastructure covering health and educational needs. Returning public servants, such as teachers and health workers, must receive security assurances as well. The Representative remains concerned about the absence of political guarantees for many IDPs and the inadequacy of current measures that would allow IDPs to obtain new or replacement documentation. He recommended that the general peace settlement address the specific need of IDPs and returnees for the protection of their human rights and urged that this be taken into account in the drafting of the new Constitution. The Representative welcomes the recent joint agreement between the Government of Nepal and the Communist Party of Nepal (Maoist) to request United Nations assistance, including human rights monitoring, with a view to creating a free and fair atmosphere for both elections and the peace process.

H. Follow-up to the mission to former Serbia and Montenegro, including Kosovo

36. Following his official mission to former Serbia and Montenegro, including Kosovo, in June 2005, the Representative outlined his findings and recommendations in prior reports to the General Assembly (A/60/338 and Corr.1) and the Human Rights Commission (E/CN.4/2006/71/Add.5). Anticipating possible changes in the region's political status, he had urged all actors involved to ensure that the rights of the displaced were safeguarded, that no IDPs became stateless and that such changes did not cause further displacement or undermine durable solutions for existing IDPs (see A/60/338, para. 65 (b)).

37. After Montenegro became an independent and sovereign State with full international legal personality in June 2006, the Representative wrote to the Government of Montenegro on the continued search for durable solutions in light of Montenegro's new status. The Representative expressed the hope that envisaged reforms to be undertaken in relation to its new status as an independent country would be fully compatible with international standards concerning the rights of persons displaced from Kosovo. He also hoped that the Government would use this opportunity to facilitate the options of local integration and return, where possible, for the many remaining displaced. He noted that return at the present time was not a feasible option for many, as it could not yet be assured that it would take place in safety and dignity, particularly for those originating from Kosovo and belonging to ethnic minorities. The Representative urged the Government to remove obstacles to local integration, such as restrictions on access to employment, social welfare, health services and education, which stemmed from the temporary residence status of many IDPs in Montenegro. The Representative also strongly recommended that the displaced be given the option of voluntarily acquiring the citizenship of Montenegro and welcomed the fact that a draft citizenship law envisaged the possibility of the naturalization of Serbian nationals. At the same time, in order to protect the right to return in the future, the Representative proposed that the displaced be offered the option of retaining dual citizenship. The Representative emphasized that the rights of displaced persons related to property claims, health insurance coverage, social security benefits, pension funds, access to education and employment must not be curtailed as a consequence of upcoming reforms. In this regard, he recommended an agreement with Serbia for mutual recognition of legal documents such as insurance titles, employment records and diplomas. Finally, he urged Montenegro to declare the continued applicability of all international human rights treaties and protocols previously adhered to by former Serbia and Montenegro. The Minister for Foreign Affairs, Miodrag Vlahovic, acknowledged receipt of the Representative's communication by letter dated 4 August 2006, reaffirmed Montenegro's commitment to find durable solutions for these vulnerable groups in full accordance with relevant domestic laws and international standards and indicated that further substantive communication would be forthcoming.

38. Following up on his visit to Kosovo, the Representative wrote a letter to the Special Envoy of the Secretary-General for the future status process for Kosovo, Marti Ahtisaari, concerning the needs and rights of IDPs in the current status talks. He underlined the importance of ensuring that IDPs were able to return to their homes in safety and dignity or to integrate locally, deciding freely after having been fully informed and consulted. He underscored the need to find the means for

restitution of or compensation for both residential and non-residential properties in Kosovo, whose owners resided in Serbia and had been unable to reclaim them. He also highlighted the risk that significant numbers of non-registered IDPs in Serbia could become stateless, should the separation of Kosovo and Serbia be decided, and reminded the Special Envoy of the many unsolved cases of pensioners and people with disabilities who had previously received State pensions in Serbia but were unable to reclaim their rights for want of recognized documentation. He enjoined the Special Envoy to ensure that the rights of IDPs were given due consideration in the current status talks and in any solution adopted.

I. Forthcoming missions and working visits

39. At the time of submission of this report, the Representative had received invitations to undertake missions to Azerbaijan, Armenia and the Russian Federation. He plans several follow-up visits, including to Georgia, and hopes to visit the Democratic Republic of the Congo in the near future.

40. In addition, the Representative received, and accepted, an invitation from the Government of Timor-Leste in May. This mission was later cancelled in light of the establishment of a United Nations Commission of Inquiry for Timor-Leste. Finally, the Representative had accepted an invitation from the Government of Lebanon for a joint mission with three other special procedures mandate holders in early August. This mission was delayed due to concerns about security and extreme restrictions on travel by United Nations staff. He had also requested an invitation from the Government of Israel to look into the situation of displacement in the northern part of the country.

J. Update on interventions with Governments on issues of internal displacement

41. The Representative has previously reported on his communication to the Permanent Representative of the United States of America to the United Nations Office at Geneva on 2 September 2005. In that letter, he drew attention to the urgent needs of many people displaced in the aftermath of Hurricane Katrina and recalled the applicability of the Guiding Principles on Internal Displacement to displacement caused by natural disaster. By a letter dated 27 December 2005, the Permanent Representative responded, acknowledging that the magnitude of Katrina's destruction had overwhelmed federal, local and State capabilities, but noted that the federal Government had made a concerted effort to remedy mistakes. In particular, he noted that within three weeks, the federal Government had approved $61 billion for emergency relief efforts and that as at the date of writing, the Federal Emergency Management Agency had distributed more than $4.2 billion in federal aid directly to victims of the hurricane. The Permanent Representative stressed that as citizens and residents of the United States, these victims continued to enjoy the same rights and have the same responsibilities that they did in their original places of residence. While welcoming this assurance, the Representative calls on the Government to ensure that all groups, including the poor and African-Americans, have equal access, without discrimination, to housing, education and health care in reconstruction plans for the affected regions.

IV. Cooperation with regional organizations

42. Since the Guiding Principles on Internal Displacement have been accepted on the global level as "an important international framework for the protection of internally displaced persons",[4] the Representative has been encouraged by the critical innovations and implementation efforts occurring within regional organizations. Examples are the instruments on internal displacement currently under development within the African Union and the International Conference for the Great Lakes Region, as well as the resolution recently adopted by the General Assembly of the Organization of American States (OAS) and the recommendation of the Committee of Ministers of the Council of Europe. All of these efforts aim at strengthening the Guiding Principles by making them binding through incorporation into domestic law.

43. The Representative welcomes these initiatives and, during the reporting period, has sought to support these efforts in a variety of ways. He believes that his efficacy is greatly strengthened through partnerships with regional organizations.

A. Organization of American States

44. The Inter-American Commission on Human Rights of OAS invited the Representative's participation in a hearing concerning human rights and natural disasters in March. The Representative's statement to the Commission emphasized the duty of States not only to protect their citizens from natural disasters, but also to mitigate their negative consequences through the adoption of public policies for risk reduction, sufficient budgetary allocations and reconstruction work. He elaborated upon the rights of potentially affected people to be informed of the risks they incurred and consulted on measures for risk reduction. Discrimination and failure to monitor and consult with affected populations were cross-cutting issues throughout his missions, whether they involved examining the plight of conflict-induced IDPs or disaster-induced ones. The Representative invited the Commission to re-establish the mandate of a Special Rapporteur on internally displaced persons, who could, among other things, consistently monitor the situation of the human rights of IDPs not only in situations of armed conflict but also after natural disasters. The Brookings-Bern Project also gave testimony on the responsibility of States to protect IDPs and to mitigate the effects of natural disasters and identified specific measures the Commission could take to address threats to human rights resulting from natural disasters.

45. The Representative was further consulted on the drafting of resolution 2229 (XXXVI-O/06), adopted by the OAS General Assembly on 6 June 2006. This important resolution is one of a series of OAS resolutions specifically addressing issues of internal displacement. It calls on member States to strengthen and enhance their protection of IDPs, including through the adoption and implementation of the Guiding Principles on Internal Displacement in their domestic legislation and policies.

[4] General Assembly resolution 60/1, para. 132.

B. African Commission on Human and Peoples' Rights

46. The Representative was pleased to deliver a statement at the 39th ordinary session of the African Commission on Human and Peoples' Rights of the African Union, held in Banjul on 12 May 2006.[5] The Representative noted the importance of addressing internal displacement through institutional cooperation at all levels — national, regional and international. The efforts of the African Commission — as well as those of the African Union and subregional organizations such as the Southern African Development Community, the Intergovernmental Authority on Development and ECOWAS — reflect a solid recognition that displacement may be transnational in both its causes and effects. Member States know that as neighbours, they have a clear interest in supporting efforts to prevent displacement before it occurs, to protect the rights of those already displaced and to work for durable solutions, lest displacement become a source of regional tensions or refugee flows.

47. The Representative stressed the importance of his ongoing collaboration with the Commission's Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in training and institution-building activities. He noted that both mandates might benefit from a sharing of insights on a joint mission and hopes that member States might consider this when extending invitations to the Representative and the Special Rapporteur. The Representative further expressed his wish to strengthen his communication and cooperation with the Commission as a whole.

C. Economic Community of West African States

48. The Representative, the Brookings-Bern Project, ECOWAS and UNHCR co-sponsored the First Regional Conference on Internal Displacement in West Africa, held in Abuja, from 26 to 28 April 2006. The conference was hosted by the Government of Nigeria. More than 70 people participated, including representatives of ECOWAS Governments, national human rights institutions, the ECOWAS Secretariat, local and international NGOs, United Nations agencies, donor Governments and independent experts. After reviewing current trends in displacement in the ECOWAS region, conference participants developed recommendations for national authorities, regional bodies and international organizations to prevent and manage displacement. The recommendations included developing laws and policies on internal displacement, improving data collection on IDP numbers, conditions and needs and integrating IDP protection issues into training for ECOWAS peace operations.[6]

49. Following the conference, the Representative met with the ECOWAS Deputy Executive Secretary and the Director of the Department of Humanitarian Affairs to discuss concrete steps ECOWAS could take based on the participants' recommendations. The Representative and the Deputy Director of the Brookings-Bern Project both pledged to support ECOWAS in its efforts to address issues of internal displacement throughout the region and expressed their desire for continued cooperation between the two bodies. The Representative suggested placing internal

[5] The statement is available at http://www.brookings.edu/fp/projects/idp/RSG_stmt_ACHPR_052006.pdf.

[6] The conference report, including conclusions and recommendations, is available at http://www.brookings.edu/fp/projects/idp/conferences/ecowas_rpt.htm.

displacement on the agenda of the ECOWAS Ministerial and Heads of State meetings and formally designating an IDP focal point within the ECOWAS Secretariat. The Representative also raised one of the main recommendations emerging from the conference: the longer term possibility of adopting a protocol on internal displacement in the West African subregion, to complement the ongoing work of the African Union to develop a protocol for the continent.

D. Council of Europe

50. In the period since his last report, the Council of Europe has twice invited the Representative to consult on matters of displacement in Europe: first to participate in the elaboration of recommendation 2006/6 on internally displaced persons, adopted by the Committee of Ministers in April 2006, recalling their fundamental human rights under European human rights law and stressing the Council's willingness to implement the Guiding Principles on Internal Displacement in the national legislation and policy of member States; and more recently, in June 2006, to address the Committee on Migration, Refugees and Population of the Parliamentary Assembly on the situation of IDPs in Southern Europe.

E. European Union

51. Recently, the Representative travelled to Brussels to explore opportunities for cooperation between his office and the European Union. He welcomes the nomination of an IDP focal point within the Political Directorate of the European Union and encourages other directorates, namely the European Community Humanitarian Office, to do the same. He looks forward to increased collaboration with the European Union in continued discussions later this year.

V. The Representative's mainstreaming of the human rights of internally displaced persons within the United Nations system

52. Within the United Nations system, and particularly during the process of humanitarian reform and adoption of the "cluster approach", the Representative has advanced a concept of protection that is based on the totality of the human rights of IDPs, comprising their civil, political, economic, social and cultural rights (see E/CN.4/2006/71, paras. 4-8). In the past year, he has also furthered the recognition of human rights issues in the context of internal displacement caused by natural disasters. Institutionally, he has sought to engage with agencies at the global and country levels to improve systematic analysis and response to the protection needs of IDPs. During the reporting period, he has placed additional emphasis on concerted follow-up to his country missions by United Nations agencies.

53. As a matter of practice, the Representative participates (or is represented by a member of his staff) in various forums of the humanitarian community, such as IASC, its Working Group and sub-working groups such as the protection cluster working group and the Taskforce on Human Rights and Humanitarian Action. Though meaningful participation entails a substantial commitment of resources, the

Representative believes that this participation is central to his mandate to mainstream the human rights of IDPs into all parts of the United Nations.

54. One aspect of the Representative's participation is the provision of direct input into a variety of materials that are being developed for the better protection of IDPs and civilians as a whole. For example, both his staff and staff of the Brookings-Bern Project are part of inter-agency efforts by UNHCR to develop a field practitioner's handbook on the protection of IDPs. The Representative is participating in the conceptual development and editing of the handbook and will be providing a chapter on the normative framework for the protection for IDPs. The Representative applauds the initiative of UNHCR concerning this valuable project. The Representative has also contributed to the development of the IASC handbook on gender studies for humanitarian action.

A. Operational Guidelines on Human Rights and Natural Disasters

55. In the aftermath of the catastrophic Indian Ocean tsunami, hurricanes and earthquakes of 2004 and 2005 and a working visit to the region hit by the tsunami, the Representative undertook an assessment of the protection of human rights specifically within the context of natural disasters.[7] Noting the absence of internationally accepted guidance for humanitarian actors addressing human rights issues following a natural disaster, the Representative initiated a dialogue on the matter within IASC and took the lead in developing written guidance. After widespread consultations with humanitarian and human rights organizations, and under the Representative's leadership, IASC adopted Operational Guidelines on Human Rights in Natural Disasters[8] in June 2006. The Operational Guidelines aim to provide humanitarian workers in the field with concrete and practical guidance on how to apply a human rights-based approach to humanitarian aid in the aftermath of a natural disaster. They have been disseminated to the humanitarian community and interested States and are in the process of being tested in the field. Drafted in English, they are being translated into French and Spanish. They are accompanied by a manual facilitating their implementation in the field.

B. Cooperation with the Office of the United Nations High Commissioner for Refugees

56. During the reporting period, the Representative expanded his cooperation with UNHCR, in particular through (a) regularly exchanging information on specific situations of internal displacement, including standard mission debriefings and recommendations for follow-up; (b) participating in programme activities, such as the development of training and advocacy tools; and (c) coordinating the Representative's country missions with UNHCR country representatives and headquarters staff. The Representative feels that the support received from UNHCR

[7] See A/60/338, paras. 38-60. See also "Protection of internally displaced persons in situations of natural disaster: a working visit to Asia by the Representative of the Secretary-General on the human rights of internally displaced persons", available at www.ohchr.org/english/issues/idp/Tsunami.pdf.

[8] The operational guidelines are available on the website of the IASC, www.humanitarianinfo.org/iasc/content/documents/default.asp?docID=1707&publish=7.

greatly enhances the efficacy of the mandate. The Representative and the High Commissioner signed a memorandum of understanding in July 2006 to better ensure the complementary nature of their activities. Among other things, the parties affirmed their cooperation to enhance responsiveness to the protection, assistance, reintegration and development needs of IDPs.

57. The Representative welcomes increased institutional responsibility by UNHCR for internally displaced persons, which the agency assumed as the IASC global cluster lead for the protection of conflict-generated IDPs and affected populations in complex emergencies.

C. Cooperation with the Internal Displacement Division of the Office for the Coordination of Humanitarian Affairs and with the Internal Displacement Monitoring Centre

58. As with UNHCR, the Representative has a formal arrangement for cooperation with both the Internal Displacement Division of the Office for the Coordination of Humanitarian Affairs and the Internal Displacement Monitoring Centre. The Representative and the Division maintain a practical and cooperative relationship, with the goal of reinforcing each other's impact within the United Nations system. For example, the Representative's missions to the Division's priority countries (including Côte d'Ivoire and Colombia) are carefully coordinated, with a focus on follow-up through sustained involvement by the Division. Likewise, the Representative has contributed to a planned IASC mission to Colombia. The Representative aims to complement the work of the Division as much as possible by focusing attention on countries not covered by the Division (e.g. in the Balkans and South Caucasus). To support cooperation, the Representative and the head of the Division brief each other monthly and their staff meet routinely and review their respective workplans every few months.

59. The Internal Displacement Monitoring Centre has provided important support to strengthen the reach and effect of the Representative's mandate, such as its recent initiative to monitor and report on how Governments implement the Representative's recommendations. Two reports have been issued to date on former Representative Francis Deng's missions to Turkey and Uganda. The Representative has participated in a number of the Centre's capacity-building efforts, such as a training seminar for officials in Turkey, and the Centre, in turn, has provided experts to support projects undertaken by the Brookings-Bern Project, such as the ECOWAS conference and Uganda workshops discussed above.

VI. Capacity-building

A. Course on the law of internal displacement

60. Owing to the success of the pilot course, which was organized for governmental officials and policymakers dealing with internal displacement in their countries, the Representative decided to offer the course annually.[9] The second annual course, to be held in October 2006, will likewise accommodate participants

[9] For a more complete description of the course, see E/CN.4/2006/71, para. 56.

from all regions of the world. The course is organized in cooperation with the International Institute for Humanitarian Law in San Remo, Italy, and with the support of the Brookings-Bern Project.

B. Handbook on national implementation of the Guiding Principles on Internal Displacement for legislators and policymakers

61. In furtherance of the Secretary-General's call to all States to "promote the adoption of [the Guiding Principles on Internal Displacement] through national legislation" (A/59/2005, para. 210), the Representative continues his work on a handbook on national implementation, with support from the Brookings-Bern Project.[10] The Representative intends this resource to support Governments in the design and implementation of their national policies and legislation, in line with the Guiding Principles on Internal Displacement. Building on efforts of Member States that have already adopted legislation and policies for the protection of IDPs, the handbook will identify best practices from around the world. Studies on the relevant areas of national implementation have been undertaken and will be discussed during a meeting of experts in Vienna, to be held in September 2006 by the Government of Austria. The Steering Committee anticipates publication of the handbook in mid-2007.

C. Guide to International Human Rights Mechanisms for Internally Displaced Persons and Their Advocates

62. To increase awareness of international human rights protection mechanisms and institutional avenues of redress for IDPs, the Brookings-Bern Project, in consultation with the Representative, recently published a *Guide to International Human Rights Mechanisms for Internally Displaced Persons and Their Advocates*.[11] It provides a step-by-step reference to the regional and international mechanisms available to support and enforce the rights of IDPs when their own Governments fail to protect them. In particular, it explains how to petition and bring information to the attention of the Human Rights Council, the Commission on the Status of Women, human rights treaty bodies, regional organizations, the World Bank and regional development banks and other international bodies (including the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the International Criminal Court). The Representative hopes that the *Guide* will support the ability of IDPs to advocate effectively on their own behalf.

D. Studies on internally displaced persons and peace processes

63. In its last resolution on internal displacement, the Commission on Human Rights recognized "the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and in reintegration and rehabilitation

[10] For a more detailed discussion of this project, see E/CN.4/2006/71, para. 54.

[11] Available at http://www.brookings.edu/fp/projects/idp/2006_guidebook.htm.

processes".[12] In furtherance of this objective, the Brookings-Bern Project has commissioned a study to address how issues of internal displacement may be integrated into peace processes and how IDPs themselves can effectively participate in and contribute to peace processes. Four case studies will review processes in Colombia, Georgia, Sri Lanka and the Sudan. A round table to discuss the report's findings will be held later in 2006, and the final report will be published by early 2007. A second study by the Brookings-Bern Project will assess what role the Peacebuilding Commission should play with regard to the protection of the human rights of IDPs.

E. Study on the end of displacement

64. During the reporting period, the Brookings-Bern Project continued research begun by the Representative's predecessor, Francis Deng, on benchmarks to provide guidance to Governments, other national actors and the international community in determining when truly durable solutions for internally displaced persons have been found. A final consultation with experts was held in June 2006. The final guidance is expected to be published in early 2007.

VII. Other activities

A. Conferences

65. In December 2005, the Representative addressed a national forum on internal displacement in the Philippines, organized by its Commission on Human Rights and the NGO Balay. He also delivered the keynote address at a regional meeting of the Asian Development Bank in Manila, emphasizing the importance of a rights-based approach to displacement induced by development. In collaboration with the Asia Pacific Forum of National Human Rights Institutions, the Brookings-Bern Project contributed to a regional workshop held in Colombo from 26 to 28 October 2005, organized by the Sri Lankan Human Rights Commission, which focused on the role of national human rights institutions in promoting and protecting the human rights of IDPs. The Representative delivered the keynote address at a panel on internal displacement organized by the Brookings-Bern Project for an international conference on the Marsh Arabs of southern Iraq convened in London in March 2006 by the Amar International Charitable Foundation. In June 2006, he underscored the importance of IDPs being able to exercise their right to vote in a keynote address before the International Organization for Migration Colloquium on the Political Rights of Persons Displaced by Conflict.

B. Press statements

66. Continuing past practice, the Representative has issued press statements in certain cases in which immediate, public and global attention to a crisis is warranted. The Representative uses these statements to call upon various actors — the State, non-State actors and the international community — to take specific

[12] Resolution 2005/46, para. 5.

action to protect the rights of IDPs. In December 2005, as the one-year anniversary of the tsunami approached, the Representative issued a joint statement with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context of the United Nations Commission on Human Rights, Miloon Kothari.[13] In late June 2006, the Representative released a statement expressing concern that an upsurge in violence along the Chad-Sudan border, including systematic and deadly attacks, had displaced more than 50,000 over a period of months.[14] On 21 July 2006, the Representative joined five other mandate holders to express his grave concern that the ongoing armed conflict in Lebanon, Israel and Gaza posed serious human rights and humanitarian threats to the civilian population.[15]

VIII. Conclusions and recommendations

67. **The Representative welcomes the strengthening of his working relationships with Governments, United Nations agencies and regional organizations over the last year. As the Secretary-General concluded in his review of the mechanism, the Representative feels that the mandate allows a unique opportunity for advocacy and solutions-oriented discussions with Governments and United Nations country teams facing crises of internal displacement. He is particularly pleased by the recognition of the Guiding Principles on Internal Displacement by Heads of State and Government at the 2005 World Summit and is greatly encouraged by the innovative efforts under way within regional organizations to address the challenges of internal displacement in a regional and context-specific environment. The Representative has been encouraged by an increasing number of invitations and requests from Governments and organizations for assistance in protecting the human rights of internally displaced persons and remains committed to constructive dialogue with these entities.**

68. **Consistent with the Guiding Principles on Internal Displacement and based on the discussion above, the Representative offers the following recommendations.**

Governments

69. **Governments that have not done so should develop national laws and policies focused on preventing displacement, providing protection during displacement and finding durable solutions to displacement, in accordance with the Guiding Principles.**

70. **Governments that have adopted such laws or policies must ensure that they are effectively implemented. This includes the identification of a national focal point for issues of internal displacement within the Government, assignment of clear responsibility (and corresponding accountability) for**

[13] Available at www.brookings.edu/fp/projects/idp/20051219_tsunami.htm.

[14] Available at www.unhchr.ch/huricane/huricane.nsf/view01/0965D07583B55875C12571990057C78C?opendocument.

[15] Available at www.unhchr.ch/huricane/huricane.nsf/view01/92D0EA109B3C8620C12571B20057FEE8?opendocument.

governmental obligations and allocation of sufficient resources for implementation at the local level.

71. **Governments should recognize that addressing land and property issues — including, as appropriate, restitution, compensation and land reform — is crucial to fostering the long-term sustainability of solutions to displacement, whether with regards to return, local integration or resettlement.**

72. **Governments and regions in political transition, as well as countries engaged in peace processes, must ensure that the rights and needs of IDPs are considered in all negotiations and agreements.**

73. **Governments should pay special attention to potentially vulnerable groups of IDPs, whose needs may differ from the general population — child- and woman-headed households, the elderly, traumatized persons and people with disabilities. This may entail special protection measures and targeted assistance to support these groups in finding durable solutions.**

Regional organizations

74. **Regional organizations should continue their vital efforts to address internal displacement in its regional context and to develop responses that recognize cultural and contextual differences and needs, in accordance with international human rights standards.**

75. **To the extent that they have not done so, regional organizations should take measures to develop or strengthen, at the regional level, normative frameworks for strengthening the human rights of internally displaced persons and their implementation.**

United Nations agencies and country teams

76. **United Nations agencies must (a) redouble efforts to clarify the concept of the protection of IDPs in a manner that is consistent with a rights-based approach; and (b) make these concepts fully operational, such as by individual assessments of how a rights-based approach bears upon each agency's operational mandate.**

77. **United Nations country teams should bring their operational policies into line with the IASC Operational Guidelines on Human Rights and Natural Disasters.**

Donors and the international community

78. **Donors can play a critical role in supporting Governments to address issues of internal displacement. Among other things, once a national Government has demonstrated its commitment with appropriate laws, policies and budget allocations, donors may be an essential link facilitating the full implementation of measures that protect the human rights of IDPs.**